

Study Will Evaluate Caregiver Training

This fall, the Administrative Office of the Courts' Center for Families, Children & the Courts (CFCC) will begin collaborating with the National Center for Youth Law to train caregivers in four California counties. The project, supported by a grant from the David and Lucille Packard Foundation, will study the effects of providing training for foster parents and relative caregivers in the dependency court process and in presenting information about children's needs at juvenile dependency hearings.

The project will address three research questions: (1) How does training in the dependency court process affect caregivers' knowledge and attitudes about participating in court hearings and the likelihood that they will participate? (2) What factors determine how caregiver information is used in judicial decision making? (3) What can be learned from case studies about the possible effects of caregiver participation on children's well-being?

"This is a new audience for court training," says Andrea Lash, who is helping to coordinate the project on behalf of the CFCC. "We are making an effort to reach out to the community and hear from people who can provide valuable information to juvenile proceedings."

To begin to identify the factors that influence caregivers' involvement in court hearings, researchers will interview key participants—attorneys, caregivers, caseworkers, judges, and commissioners. Their interviews with judges and commissioners will also address the second research question—how caregiver information is used in decision making.

"Because they spend a large amount of time interacting with the children and the parents, caregivers bring a unique perspective to the proceedings," says Referee Michael Imhoff of the Superior Court of San Diego County. "They are often in the best position to comment on contested issues or to interpret reports."

The Packard Foundation grant is part of the CFCC's Caregivers and the Courts Program, which is aimed at ensuring that information from caregivers about dependent children's needs is made accessible to the court. Since passage of the Adoption and Safe Families Act (ASFA) by Congress in 1997, federal law requires that foster parents and relative caregivers be given notice of and the opportunity to be heard at any review or hearing to be held with respect to the child in their care. California law also addresses caregiver participation in dependency court hear-

ings. As states implement the provisions of ASFA, information on how to teach caregivers about the court process and appropriate ways to participate in it is in the early stages of development.

"It is important to communicate to foster parents and caregivers that their input is valid and is instructive to the court's decision-making process," adds Referee Imhoff. "We delegate to them the responsibility of helping to raise a child. It seems obvious that we should also seek their comments on the welfare of that child."

According to the project's coordinators, inclusion of caregivers in dependency hearings will facilitate the exchange of information about children that is vital for their care. Caregivers are an important source of information about children because they are in a unique position to know the nature of the care the children require. They often develop a rich, integrated perspective on the children and their progress, since they routinely talk to the children's pediatricians, teachers, therapists, and other service providers.

In addition, direct communication between caregivers and the court at the time services are ordered makes it possible to immediately plan for the delivery of those services. Parents have an opportunity to develop a relationship with the caregivers and to work together with them on decisions that support the child's return home. Furthermore, caregivers' participation in court hearings may increase their satisfaction with their role, which in turn increases their willingness to continue caring for children.

To aid its training efforts, the CFCC is developing a pamphlet for caregivers that describes juvenile dependency hearings and how to participate in them. The pamphlet, which is scheduled for completion later this year, will offer guidance on providing the court with information on the child's special interests and activities, professional contacts, and visitations. It will also supply tips for sending written reports to the judge or commissioner and for testifying in court proceedings.

The CFCC begins training caregivers this fall and will study the effects of training through October 2001.

● For more information on the CFCC's Caregivers and the Courts Program, contact Regina Deihl, Juvenile Projects Attorney, 415-865-7646, e-mail: regina.deihl@jud.ca.gov, or Andrea Lash, Senior Research Analyst, 415-865-7557, e-mail: andrea.lash@jud.ca.gov. ■

AOC Names New Assistant Division Director

The Administrative Office of the Courts (AOC) has appointed Jose O. Guillen as assistant director of the agency's Trial Court Programs Division. Mr. Guillen, currently the executive officer of the Superior Court of Napa County, starts his new position in October.

"This is a time of tremendous growth and change for California's court system and an exciting time at the AOC," says Administrative Director of the Courts William C. Vickrey. "We are extremely pleased to welcome Jose as we work toward fulfilling the promise of recent reforms."

In his new position Mr. Guillen will oversee a team of 40 professionals who develop and implement statewide policies to improve operation of trial court programs. He will be responsible for programs such as the statewide Court Interpreters Program, statewide jury reform, court security, local court assistance, collaborative justice courts, and other judicial innovations.

"We are delighted that Jose is joining our management team and plan to make full use of his 20 years of experi-

ence in the California courts," says Deputy Administrative Director Dale Sipes, who oversees both Trial Court Programs and Judicial Council Services at the AOC. "He comes to the agency with a complete understanding of the challenges of court management and of the need to make the courts accessible, fair, and efficient with the limited resources available to us."

Mr. Guillen has spent his entire career in court administration. He has served as executive officer of the Superior Court of Napa County since 1996, and prior to that served as administrator/clerk of the Beverly Hills Municipal Court from 1991 to 1996. He started his court career in 1981 as a clerk and worked his way up to district chief of the West District of the Los Angeles County Superior Court. In addition, Mr. Guillen has participated in a variety of international assignments involving judicial reform in Latin America.



Jose O. Guillen

County Profile Santa Barbara



The Santa Barbara County Courthouse in the city of Santa Barbara was dedicated on August 14, 1929.

Geographic area: 2,739 square miles along California's central coastline

Population: 414,200, making it the 18th largest county in the state

Population growth: By 2020 the population is expected to grow to 521,200

Demographics:

Age: 0–19 ≈ 29.5%; 20–39 ≈ 30%; 40–59 ≈ 25%; 60–79 ≈ 12%; 80+ ≈ 3.5%

Race/Ethnicity: White ≈ 59%; Hispanic ≈ 33%; Asian or Pacific Islander ≈ 5%; Black ≈ 2%; American Indian ≈ 1%

Number of court locations: 5

Number of authorized judges: 19

Number of staff: 207

Caseload: Filings for 1998–1999 totaled 114,388

Annual operating budget: \$19,221,889 as of January 2000

Presiding judge: Hon. Frank J. Ochoa

Executive officer: Mr. Gary M. Blair

Of note: Known for its magnificent landscapes, Santa Barbara County boasts the only significant stretch of east-west coastline between Alaska and Cape Horn (South America).

Sources: Superior Court of Santa Barbara County; Santa Barbara Visitors Bureau; U.S. Census Bureau; California State Department of Finance

Drug Possession and the Role of the Courts

If voters pass Proposition 36 in the November 7 election, it has the potential to substantially change how drug offenders are treated by the courts. The initiative generally requires probation and drug treatment, not incarceration, for nonviolent drug possession offenses. Following are highlights of the proposition. For the full text of Proposition 36, visit the California Secretary of State's Web site at www.ss.ca.gov.

PROPOSITION 36

- The initiative requires the court to order offenders into drug treatment programs and probation for certain nonviolent drug possession offenses and similar parole violations, not including the sale, production, and manufacture of illegal substances.

- Those convicted of a nonviolent drug possession offense would be sentenced by the court to up to one year of drug treatment in the community and up to six additional months of follow-up care.

- Judges would be prohibited from imposing any jail time as either a condition of probation or a sanction.

- Certain offenders would be excluded from the provisions of the initiative and thus could be sentenced by a court to a state prison, a county jail, or probation without drug treatment. These include offenders who have refused drug treatment and those who possessed or were under the influence of certain (although not all) illegal drugs while using a firearm.

- An offender who had received two separate nonviolent drug possession convictions, had failed the drug treatment programs required under this measure two or more times, and was found by the court to be "unamenable" to any form of drug treatment would be sentenced to 30 days in county jail.

- Parole violators found to have committed a nonviolent drug possession offense or to have violated any drug-related condition of parole would generally be required to complete a drug treatment program in the community instead of being re-

turned to state prison.

- The Board of Prison Terms could continue to send to prison any parole violator who refused drug treatment or had been convicted of a violent or serious felony.

- "Nonviolent" defendants would still be eligible for drug treatment if they had prior convictions for violent felonies or misdemeanors more than five years old or if they were armed but did not use a firearm during the commission of the offense.

Sources: California Secretary of State; Legislative Analyst's Office ■

ABA Developing Standards for Public Financing of Judicial Elections

The process of judicial elections is undermining the public's perception of the judiciary as independent, according to the American Bar Association's (ABA) Standing Committee on Judicial Independence. Statistics compiled by the committee show that currently 80 percent of all state judges na-

tionwide stand for election at some point during their tenure on the bench, and most judicial candidates must tap resources outside their personal finances for campaign funding.

In light of these findings, the committee sought and received a \$213,376 grant from the Joyce Foundation to develop suggested standards and options for public financing of state judicial elections. The two-year grant will enable the committee to create a bipartisan national commission, composed of leading members of the judiciary, legal professionals, and members of other national public interest organizations, to identify methods of public financing for judicial candidates.

"The need to rely on others for financial contributions raises the specter of undue influence and partisanship, jeopardizing one of the basic principles of our government—the independence of an impartial judiciary," said committee chair Alfred P. Carlton, Jr., of Raleigh, North Carolina, in a recent press release disseminated by the ABA. "The Joyce Foundation support comes at a critical time in our nation's judicial history. This grant will help us find alternative methods to finance judicial campaigns consistent with having the best and strongest judiciary possible."

Based in Chicago, with assets of approximately \$1 billion, the Joyce Foundation supports efforts to strengthen public policies in ways that improve the quality of life in the Great Lakes region. It makes grants in education, employment, environment, gun violence prevention, money and politics, and culture.

According to the proposal for the Joyce Foundation grant, the ABA Standing Committee on Judicial Independence will oversee the new commission in its development of the standards. The commission will seek comment from groups such as the League of Women Voters, the Conference of Chief Justices,

Citizens for Independent Courts, the American Judicature Society, and others involved in the judicial process.

In addition, it will schedule public hearings to encourage broad public input and ensure the currency of the information gathered. It will invite experts to testify about structuring public financing, including how funds might be distributed and what conditions might be associated with grants of public funding. The commission will also seek testimony from key actors in the process of establishing a public financing scheme, including state legislators, governors, and local civic organizations interested in the area of campaign finance reform.

The commission plans to circulate draft standards for comment and evaluation at the 2001 ABA annual meeting and then submit them to the ABA House of Delegates for adoption at the association's midyear meeting in 2002. Upon adoption by the House of Delegates, the ABA's Standing Committee on Judicial Independence will undertake a campaign to promote the standards at the state and local levels. The committee plans to use media panels, presentations for state and local bar associations, and outreach to local community groups to draw national and local attention to the new standards.

Carlton cited Alabama as one of the states in need of finance reform, pointing out that the race for chief justice this year is expected to cost about \$8 million. He added that between 1986 and 1996 the cost of running for a seat on the Alabama Supreme Court rose 776 percent, from \$237,281 to \$2,080,000.

Although many states have some form of public financing for elections, only three have regulations for public financing of judicial campaigns. California is not one of them. The ABA's Standing Committee on Judicial Independence is trying to change that fact.

- For more information, contact Eileen Gallagher, project manager for the ABA Standing Committee on Judicial Independence, 312-988-5105; e-mail: gallagher@staff.abanet.org. ■

Judicial Campaign Statistics

The American Bar Association's Standing Committee on Judicial Independence cites the following 10 examples as evidence of the need for public financing of judicial elections.

- In Illinois, contributions to candidates in partisan elections for the appellate court rose 272 percent from 1980 to 1990.
- In 1986 two candidates for Chief Justice of the Ohio Supreme Court spent a total of \$2,700,000 in campaign financing.
- In Wisconsin between 1979 and 1997, the average funding for a candidate for the state's Supreme Court rose 784 percent, from \$50,854 to \$449,537.
- In Kentucky in 1978, an average candidate for the state's Supreme Court spent \$52,000; in 1996 the average cost was \$412,362, representing an increase of 693 percent.
- In 1995 a committee appointed by the Chief Justice of the Ohio Supreme Court found that 9 out of 10 Ohioans believed that judicial decisions were influenced by contributions to political campaigns.
- A 1997 Arizona poll found that 84 percent of those polled disagreed with the following statement: "It is appropriate for judges to accept campaign contributions from persons and corporations who may later be litigants in court."
- In 1998 the Pennsylvania Supreme Court issued a report that found that 88 percent of Pennsylvania voters thought judges' courtroom decisions were influenced at least some of the time by campaign contributions.
- In the same Pennsylvania report, 46 percent of voters strongly favored public funding for candidates who did not accept contributions.
- In 1988 two-thirds of the Texas Supreme Court seats were contested, and total contributions to the candidates exceeded \$10 million.
- A June 1999 survey conducted by the Texas Supreme Court and the Texas State Bar found that almost half of the judges and 79 percent of the lawyers surveyed in Texas believed that campaign contributions influenced judicial decisions.

Anxious Families Flood Courts

ELLEN MCCARTHY

When a methamphetamine-addicted mother clutching her infant suddenly burst into Judge Donna M. Petre's Yolo County courtroom and threatened to kill herself, the judge responded quickly, interrupting her scheduled proceeding.

"I think this woman sensed that the court was a place she could go for help. And she was right." Judge Petre arranged for counseling and a shelter while court staff notified the woman's relatives. The juvenile court copresiding judge has seen a flood of such desperate families. Finding solutions to their problems, she believes, "is my job."

It always was, but the volume of cases and their complexity have soared. Not so long ago, a typical family was considered to be a married couple and their

the plenary powers to meet such goals, but they break up their authority so that each department acts as though it possesses only circumscribed discrete powers."

UNIFIED FAMILY COURT

Experts across California and the nation also question whether the traditional court structure, with separate family, juvenile, and probate departments, can effectively handle today's sensitive, complex family issues. The question is especially pertinent where the departments have little knowledge of one another's decisions regarding a family.

In traditional courts, for example, a woman filing a domestic violence restraining order does not appear before the juvenile court judge who hears her child's dependency case. Grandparents filing a guardianship pe-

fectively) handles every type of case involving a family. "This includes criminal and traffic as well as the traditional family matters," explains Judge Howell.

Butte County's superior court, in fact, has been reorganized into three divisions: criminal, civil, and family. The family division handles divorce and custody cases as well as criminal domestic violence cases, drug court, juvenile dependency and delinquency matters, probate guardianship, and mental health cases. Notes Judge Howell, "Our family division's judicial officers meet regularly to keep apprised of all the crossover issues."

The concept of "one family, one judge" has been the traditional practice in smaller, rural courts, notes Trinity County Presiding Judge John K. Letton. "All of our family-related cases (delinquency, dependency, divorce, domestic violence, and related drug courts) are calendared for the same day of the week so that multiagency families and their service providers have a one-stop court system."

Short of unifying their family courts, larger courts such as the Superior Court of Riverside County are turning to coordination and tracking systems. The Riverside court added an automated family index to its existing automated case management systems. The index can join together all cases for one family through cross-referencing.

VIEW FROM LOS ANGELES

Judge Petre is a member of the Judicial Council's Family and Juvenile Law Advisory Committee, which is studying court coordination of proceedings involving families and children. The committee's chair, Judge Michael Nash of the Superior Court of Los Angeles County, is not sure whether the "one family, one judge" approach is appropriate for a court system as large as that in Los Angeles County, but he believes that "we accomplish the same goals by creating policies that foster communication and cooperation among the various court departments and social service agencies that affect kids and their families."

All it takes to get coordination started, says Judge Nash, is "judicial leadership from either the juvenile or family court." ■



Photo: Jason Doiy

biological children. Today judges serve more kinds of families, including children who live with single parents, grandparent guardians, or foster parents; never-married mothers of several children with no common biological father; and parents with new partners and their partners' children. While including all the individuals in any of these groups as members of the family creates new case management challenges, says Judge Petre, not including them can result in dangerous information gaps for judges, especially when violence, neglect, and substance abuse are involved.

In most state courts, four separate judicial officers in four separate departments may become involved with a given family, making orders and decisions about that family independently of each other. In courts that do not have a system to alert all four judicial officers of pending matters related to a family, there is a danger of duplicative or conflicting orders.

Commenting on this method of processing cases, Los Angeles County Public Defender Michael P. Judge wrote in an editorial in the *Los Angeles Times*: "Currently, our courts are not organized to allow sufficient opportunity to coordinate all responses to the fundamental causes underlying a case. Collectively, courts possess

tition do so in a probate court even though the family law judge has significant information about the parents' drug use and violence from their divorce proceeding. "This can result in conflicting orders, multiple appearances, uncoordinated treatment plans, repeated interviews with the children, lopsided resources, and delays which impede informed decision making," Judge Petre explains.

By contrast, in a unified family court, one judge hears all of a given family's cases, including those dealing with abuse, neglect, spousal support, child custody, visitation and support, divorce, domestic violence, consent to marriage of minors, management of minors' funds, juvenile delinquency, paternity, palimony, status offenders, and termination of parental rights. Only in such a court, believes Judge Petre, "can the best interest of children and judicial efficiency be served."

The Superior Court of Yolo County is one of just a few California courts with unified family proceedings. Another is the Superior Court of San Francisco County, where Judge Donna Hitchens has unified the family and juvenile departments. In the Superior Court of Butte County, Judge Steven J. Howell presides over the unified family court calendar. A program called H.O.P.E. (Helping Organize Parents Ef-

Yolo Family Court Hires Counselor

Yolo County now offers troubled low-income families counseling services, thanks to a TANF/CALWORKS grant used to hire a full-time licensed marriage and family therapist. Since beginning work in the courthouse in July, the therapist has been assigned nearly a dozen cases to assess. The goal of the program is to make the involvement of Child Protective Services unnecessary and move the parents forward from welfare to work.

"These funds are available in any county through the county's department of employment and social services, and they can be used to fund creative ideas that meet the federal and state requirements," notes Irma Rodriguez, Program Manager of Children's System of Care, a unit of the county Alcohol, Drug, and Mental Health Department. "I chose to seek funding to assist needy families going through the court system," she explains. Ms. Rodriguez offered to apply for the grant on behalf of Yolo County's unified family court because "I am so impressed with the work Judge Petre is doing here for families."

● For more information about the grant application process, e-mail Ms. Rodriguez at irma.rodriguez@ccm.yolocounty.org.

Information about the program is also available from the court's Web site at www.yolocourts.com.



Photo: Courtesy of the Superior Court of Los Angeles County